

FIRST REGULAR SESSION

# SENATE BILL NO. 660

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2284S.011

## AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to crime.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 556.036, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 556.036, to read as follows:

556.036. 1. A prosecution for murder, forcible rape, attempted forcible  
2 rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be  
3 commenced at any time.

4 2. Except as otherwise provided in this section, prosecutions for other  
5 offenses must be commenced within the following periods of limitation:

- 6 (1) For any felony, three years;
- 7 (2) For any misdemeanor, one year;
- 8 (3) For any infraction, six months.

9 3. If the period prescribed in subsection 2 of this section has expired, a  
10 prosecution may nevertheless be commenced for:

11 (1) Any offense a material element of which is either fraud or a breach of  
12 fiduciary obligation within one year after discovery of the offense by an aggrieved  
13 party or by a person who has a legal duty to represent an aggrieved party and  
14 who is himself or herself not a party to the offense, but in no case shall this  
15 provision extend the period of limitation by more than three years. As used in  
16 this subdivision, the term "person who has a legal duty to represent an aggrieved  
17 party" shall mean the attorney general or the prosecuting or circuit attorney  
18 having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses  
19 committed pursuant to sections 407.511 to 407.556, RSMo; and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 (2) Any offense based upon misconduct in office by a public officer or  
21 employee at any time when the defendant is in public office or employment or  
22 within two years thereafter, but in no case shall this provision extend the period  
23 of limitation by more than three years; and

24 (3) Any offense based upon an intentional and willful fraudulent claim of  
25 child support arrearage to a public servant in the performance of his or her duties  
26 within one year after discovery of the offense, but in no case shall this provision  
27 extend the period of limitation by more than three years.

28 4. An offense is committed either when every element occurs, or, if a  
29 legislative purpose to prohibit a continuing course of conduct plainly appears, at  
30 the time when the course of conduct or the defendant's complicity therein is  
31 terminated. Time starts to run on the day after the offense is committed.

32 5. A prosecution is commenced for a misdemeanor or infraction when the  
33 information is filed and for a felony when the complaint or indictment is filed.

34 6. The period of limitation does not run:

35 (1) During any time when the accused is absent from the state, but in no  
36 case shall this provision extend the period of limitation otherwise applicable by  
37 more than three years; or

38 (2) During any time when the accused is concealing himself from justice  
39 either within or without this state; or

40 (3) During any time when a prosecution against the accused for the  
41 offense is pending in this state; [or]

42 (4) During any time when the accused is found to lack mental fitness to  
43 proceed pursuant to section 552.020, RSMo; or

44 **(5) During any period of time after which a DNA profile is**  
45 **developed from evidence collected in relation to the commission of an**  
46 **offense, but before the time when the accused is identified by name**  
47 **based upon a match between an evidentiary DNA profile and the known**  
48 **DNA profile of the accused. For purposes of this section, the term "DNA**  
49 **profile" means the collective results of all DNA identification analysis**  
50 **of a sample.**

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